



# Your Missouri Courts


Search for Cases by: 
[Judicial Links](#) | [eFiling](#) | [Help](#) | [Contact Us](#) | [Print](#)
[GrantedPublicAccess](#) [Logoff](#) MICHAELDCERULO

20SL-CC00905 - CRAIG MARTON ET AL V RICHARD BARNARD ET AL (E-CASE)

|                             |   |                                |  |                                     |                             |   |                                 |   |
|-----------------------------|---|--------------------------------|--|-------------------------------------|-----------------------------|---|---------------------------------|---|
| <a href="#">Case Header</a> | <a href="#">Parties &amp; Attorneys</a> | <a href="#">Docket Entries</a> | <a href="#">Charges, Judgments &amp; Sentences</a> | <a href="#">Service Information</a> | <a href="#">Filings Due</a> | <a href="#">Scheduled Hearings &amp; Trials</a> | <a href="#">Civil Judgments</a> | <a href="#">Garnishments/ Execution</a> |
|-----------------------------|---|--------------------------------|--|-------------------------------------|-----------------------------|---|---------------------------------|---|

This information is provided as a service and is not considered an official court record.

[Click here to eFile on Case](#)

Sort Date Entries: ☒

Descending

Display Options:

[Click here to Respond to Selected Documents](#)
☐ Ascending

07/13/2020 ☐ [Certificate of Service](#)

Cert of Serv of Def Answers and Objections to Plaintiffs Supplemental Interrogatory Directed to Defendant Christine Barnard; Electronic Filing Certificate of Service.

**Filed By:** BETH CLEMENS BOGGS

**On Behalf Of:** CHRISTINE BARNARD

06/19/2020 ☐ [Notice of Service](#)

Return of Service - Defendant Richard Barnard; Electronic Filing Certificate of Service.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

☐ [Family Member/Roommate Served](#)

Document ID - 20-SMOS-492; Served To - BARNARD, RICHARD; Server - ; Served Date - 15-JUN-20; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

06/17/2020 ☐ [Notice of Service](#)

Return of Service - Defendant Richard Barnard; Electronic Filing Certificate of Service.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

06/09/2020 ☐ [Motion Hearing Scheduled](#)

**Scheduled For:** 06/18/2020; 2:30 PM ; STANLEY JAMES WALLACH; St Louis County

06/08/2020 ☐ [Notice of Hearing Filed](#)

Notice of Hearing; Electronic Filing Certificate of Service.

**Filed By:** BETH CLEMENS BOGGS

**On Behalf Of:** CHRISTINE BARNARD

☐ [Alias Summons Issued](#)

Document ID: 20-SMOS-492, for BARNARD, RICHARD. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

06/05/2020 ☐ [Cert Serv Answers Interrog Fil](#)

Certificate of Service - Plaintiff Leslie Martons Answers and Responses to Defendant Christine Barnards Discovery; Electronic Filing Certificate of Service.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

☐ [Cert Serv Answers Interrog Fil](#)

Certificate of Service - Plaintiff Craig Martons Answers and Responses to Defendant Christine Barnards Discovery; Electronic Filing Certificate of Service.

**Filed By:** JAMES WINDSOR EASON

**06/04/2020** ☐ [Alias Summons Requested](#)

Motion for Alias Summons; Electronic Filing Certificate of Service.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

**06/02/2020** ☐ [Certificate of Service](#)

Cert of Serv of Defendants Supplemental Answers to Plaintiffs Interrogatory No 6 Directed to Defendant Christine Barnard; Electronic Filing Certificate of Service.

**Filed By:** BETH CLEMENS BOGGS

**On Behalf Of:** CHRISTINE BARNARD

**05/22/2020** ☐ [Suggestions in Opposition](#)

Memorandum in Opposition to Plaintiffs Motion for Default Judgment; Exhibit A; Exhibit B; Electronic Filing Certificate of Service.

**Filed By:** MICHAEL DOMINIC CERULO

**On Behalf Of:** RICHARD BARNARD

**05/21/2020** ☐ [Entry of Appearance Filed](#)

Limited Entry of Appearance; Electronic Filing Certificate of Service.

**Filed By:** MICHAEL DOMINIC CERULO

**On Behalf Of:** RICHARD BARNARD

☐ [Certificate of Service](#)

Cert of Serv of Def Christine Barnards Ans and Obj to Plaintiffs First Interrogatories and Resp and Obj to Plaintiffs Request for Production of Documents; Electronic Filing Certificate of Service.

**Filed By:** BETH CLEMENS BOGGS

**On Behalf Of:** CHRISTINE BARNARD

**05/20/2020** ☐ [Motion for Default Judgment](#)

Motion for Default Judgment against Defendant Richard Barnard; Electronic Filing Certificate of Service.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

**05/15/2020** ☐ [Motion to Dismiss](#)

Motion to Dismiss; Exhibit A; Electronic Filing Certificate of Service.

**Filed By:** BETH CLEMENS BOGGS

**On Behalf Of:** CHRISTINE BARNARD

**05/13/2020** ☐ [Certificate of Service](#)

Cert of Serv of Def Christine Barnards First Interrogatories and Request for Production of Documents Directed to Plaintiff Leslie Marton and Craig Marton; Electronic Filing Certificate of Service.

**Filed By:** BETH CLEMENS BOGGS

**On Behalf Of:** CHRISTINE BARNARD

**04/30/2020** ☐ [Cert Serv of Interrog Filed](#)

Certificate of Service - Plaintiffs Discovery Requests to Defendant Christine Barnard.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

☐ [Entry of Appearance Filed](#)

Entry of Appearance; Electronic Filing Certificate of Service.

**Filed By:** BETH CLEMENS BOGGS

**On Behalf Of:** CHRISTINE BARNARD

**04/02/2020** ☐ [Cert Serv of Interrog Filed](#)

Certificate of Service - Plaintiffs Discovery Requests to Defendants Richard and Christine Barnard.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

**02/25/2020** ☐ [Family Member/Roommate Served](#)

Document ID - 20-SMCC-1560; Served To - BARNARD, RICHARD; Server - ; Served Date - 21-FEB-20; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

☐ [Summons Personally Served](#)

Document ID - 20-SMCC-1561; Served To - BARNARD, CHRISTINE; Server - ; Served Date - 21-FEB-20; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

**02/24/2020** ☐ [Notice of Service](#)

Return of Service - Defendant Richard Barnard.

**Filed By:** JAMES WINDSOR EASON

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

☐ [Notice of Service](#)

Return of Service - Defendant Christine Barnard.

**Filed By:** JAMES WINDSOR EASON

**02/21/2020** ☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-1561, for BARNARD, CHRISTINE. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-1560, for BARNARD, RICHARD. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**02/07/2020** ☐ [Filing Info Sheet eFiling](#)

**Filed By:** JAMES WINDSOR EASON

☐ [Motion Special Process Server](#)

Request for Appointment of Process Server.

**Filed By:** JAMES WINDSOR EASON

☐ [Pet Filed in Circuit Ct](#)

Petition.

**On Behalf Of:** CRAIG MARTON, LESLIE MARTON

☐ [Judge Assigned](#)

DIV 12

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
TWENTY-FIRST JUDICIAL CIRCUIT  
STATE OF MISSOURI**

## CRAIG AND LESLIE MARTON

**Plaintiffs,**

**V.**

**RICHARD AND CHRISTINE BARNARD**

## Defendants.

Serve Defendants at:  
1403 Sugartree Lane  
Pacific, Missouri 63069

Cause No.

Division No.

# PETITION

COME NOW, Plaintiffs, by and through their undersigned counsel, and for their  
Petition state and allege the following. Plaintiffs request a trial by jury on all counts.

## GENERAL ALLEGATIONS

## ***Parties***

1. Plaintiffs are natural persons and at all times relevant to this action, are residents of Springfield, Missouri.

2. Defendants, upon information and belief, are natural persons and at all times relevant to this action are residents of Franklin County, Missouri.

## VENUE

3. Venue is proper because the car crash that gave rise to this cause of action occurred in St. Louis County, Missouri.

## **JURISDICTION**

4. The Court has personal jurisdiction over this matter pursuant to Missouri law.

## **FACTS COMMON TO ALL COUNTS**

5. On or about August 30, 2016, Defendant Richard Barnard was operating a 2007 Jeep Compass at the intersection of Missouri 141 and Howard George Drive.

6. Defendant Christine Barnard is the registered owner of the 2007 Jeep Compass. Christine Barnard allowed and entrusted the 2007 Jeep Compass to Richard Barnard.

7. Plaintiff Leslie Marton was operating her vehicle on west Howard George Drive attempting to make a left turn onto Missouri 141.

8. Plaintiff Craig Marton was operating his vehicle on west Howard George Drive attempting to make a left turn onto Missouri 141. Craig Marton was driving behind Leslie Marton.

9. Plaintiffs Craig and Leslie Marton are husband and wife.

10. Present in Leslie Marton's vehicle were her son and the family dog.

11. Defendant Richard Barnard drove through a red light and struck Leslie Marton's vehicle. Mr. Barnard was eating pizza while he was driving and not paying attention to the traffic conditions in front of him.

12. That a result of this collision, Plaintiff Leslie Marton sustained injuries to her body and mind. This injury resulted in past physical and mental suffering and will cause future physical and mental suffering.

13. That as a result of the collision, Plaintiff Craig Marton sustained injuries to

his mind. This injury resulted in past mental suffering and will cause future mental suffering.

14. That as a result of the collision, Plaintiffs' dog was injured and died due to its injuries and/or complications related to those injuries.

15. Defendant Richard Barnard was charged with Failure to Obey a Traffic Signal. He pled guilty to that charge.

**COUNT I-NEGLIGENCE AGAINST DEFENDANT RICHARD BARNARD**

16. Plaintiff Leslie Marton incorporates all prior paragraphs as if fully stated herein.

17. At the time of the collision, Defendant Richard Barnard was operating a motor vehicle on a public highway. Accordingly, he owed a duty of the highest care and caution to Plaintiff Leslie Marton.

18. Specifically, Defendant Richard Barnard owed a duty to Plaintiff to operate the motor vehicle in a prudent and reasonable manner and to obey all applicable traffic laws.

19. Defendant Richard Barnard operated the motor vehicle in a careless manner by, at minimum, failing to provide a careful lookout when operating a motor vehicle, driving too fast for conditions, failing to yield the right of way, and driving in a manner that made him unable to stop within his range of vision; all of which are violations of Missouri law.

20. It was foreseeable to Defendant Richard Barnard that this failure to obey traffic laws and his failure to drive with care would cause serious injury as it did here.

21. Defendant Richard Barnard's careless and reckless operation of the motor

vehicle caused the collision.

22. But for Defendant Richard Barnard's actions, Plaintiff Leslie Marton would not have been injured in the collision.

23. As a result of Defendant Richard Barnard's actions, Plaintiff Leslie Marton sustained injuries to her body and mind.

24. As a result of Defendant Richard Barnard's actions, Plaintiffs Craig and Leslie Marton's dog sustained fatal injuries that caused the dog's death.

25. Plaintiffs are entitled to relief for the loss of their dog.

26. Defendant Richard Barnard knew or had reason to know that there was a high degree of probability that his reckless conduct would result in serious injury to others. Despite this knowledge, Defendant Richard Barnard showed complete indifference and conscious disregard for the safety of others, including Plaintiffs.

WHEREFORE, Plaintiffs pray this Court to enter judgment in their favor and to award Plaintiffs damages in excess of \$50,000 and for punitive damages in excess of \$250,000.

**COUNT II-NEGLIGENT ENTRUSTMENT AGAINST DEFENDANT CHRISTINE BARNARD**

27. Plaintiffs incorporate all prior paragraphs as if fully stated herein.

28. Upon information and belief, Defendant Richard Barnard is incompetent by reasons of inexperience, habitual recklessness or otherwise;

29. Upon information and belief, Defendant Christine Barnard knew or had reason to know of Defendant Richard Barnard's incompetence;

30. That Defendant Christine Barnard entrusted the 2007 Jeep Compass to Defendant Richard Barnard.

31. That the negligence of Christine Barnard concurred with the conduct of the Defendant Richard Barnard as a proximate cause of the harm to Plaintiffs.

WHEREFORE, Plaintiffs pray this Court to enter judgment in their favor and to award Plaintiffs damages in excess of \$50,000 and for all other relief this Court deems just and proper.

**COUNT III-NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS AGAINST  
DEFENDANTS CHRISTINE AND RICHARD BARNARD**

32. Plaintiff Craig Marton incorporates all prior paragraphs as if fully stated herein.

33. Defendants' negligence involved an unreasonable risk of causing emotional distress to Plaintiff Craig Marton.

34. Defendants knew or by using ordinary care could have known of such risk.

35. As a direct result of Defendants' negligence Plaintiff sustained medically diagnosable and significant emotional distress.

36. Defendant Richard Barnard knew or had reason to know that there was a high degree of probability that its reckless conduct would result in serious injury to others. Despite this knowledge, Defendant Richard Barnard showed complete indifference and conscious disregard for the safety of Plaintiff.

WHEREFORE, Plaintiffs pray this Court to enter judgment in their favor and to award Plaintiffs damages in excess of \$50,000 and for punitive damages in excess of \$250,000.



RESPECTFULLY SUBMITTED:

/s/ James W. Eason

---

JAMES W. EASON, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Avenue  
St. Louis, Missouri 63103  
(314) 932-1066  
(314) 667-3161 Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)

In the  
**CIRCUIT COURT**  
 Of St. Louis County, Missouri



For File Stamp Only

Craig and Leslie Marton  
 Plaintiff/Petitioner

February 7, 2020  
 Date

vs.

Richard and Christine Barnard  
 Defendant/Respondent

Case Number

Division

### REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Craig and Leslie Marton, by and through the undersigned counsel, pursuant  
 Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Markell & Associates, 2300 West Port Plaza Drive, Ste. 202, Saint Louis, MO 63146  
 Name of Process Server Address Telephone

Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below  
 named parties. This appointment as special process server does not include the authorization  
 to carry a concealed weapon in the performance thereof.

**SERVE:**

Richard Barnard  
 Name  
1403 Sugartree Lane  
 Address  
Pacific, MO 63069  
 City/State/Zip

**SERVE:**

Name  
 Address  
 City/State/Zip

Appointed as requested:

**JOAN M. GILMER, Circuit Clerk**

By \_\_\_\_\_  
 Deputy Clerk

Date

**SERVE:**

Christine Barnard  
 Name  
1403 Sugartree Lane  
 Address  
Pacific, MO 63069  
 City/State/Zip

**SERVE:**

Name  
 Address  
 City/State/Zip

/s/ James W. Eason  
 Signature of Attorney/Plaintiff/Petitioner  
57112  
 Bar No.  
1924 Chouveau Ave., St. Louis, MO, 63103  
 Address  
(314) 932-1066 (314) 667-3161  
 Phone No. Fax No.

## Local Rule 28. SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment [except as allowed by Missouri Supreme Court Rule 90.03(a)].

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, [except as allowed by Missouri Supreme Court Rule 90.03(a)], or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" electronic form, which may be found on the Court's Web Site, <https://wp.stlcountycourts.com > forms>.

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

## SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |  |
|---|--|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905  |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                    |
| Nature of Suit:<br>CC Pers Injury-Vehicular |  |

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: CHRISTINE BARNARD

Alias:

1403 SUGARTREE LANE  
PACIFIC, MO 63069

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

21-FEB-2020

Date

Further Information:

AD

Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

## NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

### **Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

### **Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

### **Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the “neutral,” who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator’s decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |  |
|---|--|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905  |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                    |
| Nature of Suit:<br>CC Pers Injury-Vehicular |  |

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: RICHARD BARNARD

Alias:

1403 SUGARTREE LANE  
PACIFIC, MO 63069

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

21-FEB-2020

Date

Further Information:

AD

Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

## NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

### **Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

### **Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

### **Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the “neutral,” who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator’s decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

**AFFIDAVIT**

**COUNTY OF ST. LOUIS )**

**RE CRAIG MARTON v.**  
**RICHARD BARNARD, et al.**  
Circuit Court-St. Louis County  
State of Missouri  
Case No. 20SL-CC00905

Mark B. Smith, of Markell & Associates, Inc., being duly sworn upon his oath, states that he is over the age of 18 years; that he is a disinterested party to this action;; that he delivered a copy of the attached Summons and Petition on defendant Richard Barnard, by leaving copy with Christine Barnard, Mother, for and on behalf of defendant, at 1403 Sugartree Ln., Pacific, Missouri 63069 on February 21, 2020, 3:30 p.m.;

Affiant further states, Christine Barnard advised Richard Barnard currently resides in the Chicago, Illinois area.

**MARKELL & ASSOCIATES, INC.**

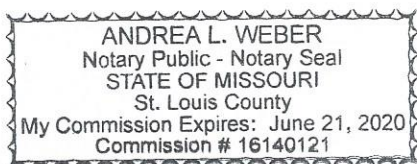


**Mark B. Smith**

Private Investigator  
State of Missouri  
License #2010019303

Private Detective  
State of Illinois  
License #115.001875

Subscribed to and sworn before me, a Notary Public on this 22nd of February, 2020.



**Notary Public**



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |  |
|---|--|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905  |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                    |
| Nature of Suit:<br>CC Pers Injury-Vehicular |  |

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: RICHARD BARNARD

Alias:

1403 SUGARTREE LANE  
PACIFIC, MO 63069

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

21-FEB-2020

Date

Further Information:

AD

Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server

\_\_\_\_\_  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public



**AFFIDAVIT OF RETURN OF SERVICE**

**COUNTY OF ST. LOUIS )**

**RE CRAIG MARTON v.**  
**RICHARD BARNARD, et al.**  
Circuit Court-St. Louis County  
State of Missouri  
Case No. 20SL-CC00905

Mark B. Smith, of Markell & Associates, Inc., being duly sworn upon his oath,  
states that he is over the age of 18 years; that he is a disinterested party to this action;;  
that he served a copy of the attached Summons and Petition on defendant Christine  
Barnard, by personal service, at 1403 Sugartree Ln., Pacific, Missouri 63069 on  
February 21, 2020, 3:30 p.m.

**MARKELL & ASSOCIATES, INC.**

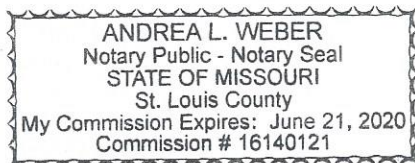


**Mark B. Smith**

Private Investigator  
State of Missouri  
License #2010019303

Private Detective  
State of Illinois  
License #115.001875

Subscribed to and sworn before me, a Notary Public on this 22nd of February, 2020.



**Notary Public**



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |  |
|---|--|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905  |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                    |
| Nature of Suit:<br>CC Pers Injury-Vehicular |  |

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: CHRISTINE BARNARD

Alias:

1403 SUGARTREE LANE  
PACIFIC, MO 63069

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

21-FEB-2020

Date

Further Information:

AD

Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**AFFIDAVIT**

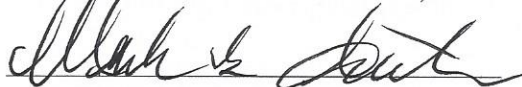
**COUNTY OF ST. LOUIS )**

**RE CRAIG MARTON v.**  
**RICHARD BARNARD, et al.**  
Circuit Court-St. Louis County  
State of Missouri  
Case No. 20SL-CC00905

Mark B. Smith, of Markell & Associates, Inc., being duly sworn upon his oath, states that he is over the age of 18 years; that he is a disinterested party to this action;; that he delivered a copy of the attached Summons and Petition on defendant Richard Barnard, by leaving copy with Christine Barnard, Mother, for and on behalf of defendant, at 1403 Sugartree Ln., Pacific, Missouri 63069 on February 21, 2020, 3:30 p.m.;

Affiant further states, Christine Barnard advised Richard Barnard currently resides in the Chicago, Illinois area.

**MARKELL & ASSOCIATES, INC.**

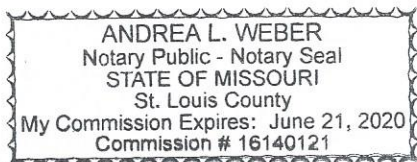


**Mark B. Smith**

Private Investigator  
State of Missouri  
License #2010019303

Private Detective  
State of Illinois  
License #115.001875

Subscribed to and sworn before me, a Notary Public on this 22nd of February, 2020.



**Notary Public**





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |  |                   |
|---|--|-------------------|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905  | (Date File Stamp) |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |                   |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                    |                   |
| Nature of Suit:<br>CC Pers Injury-Vehicular |  |                   |

## Summons in Civil Case

The State of Missouri to: RICHARD BARNARD

Alias:

1403 SUGARTREE LANE  
PACIFIC, MO 63069

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

21-FEB-2020

Date

Further Information:

AD

  
Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

(Seal)

**AFFIDAVIT OF RETURN OF SERVICE**

COUNTY OF ST. LOUIS )

RE **CRAIG MARTON v.  
RICHARD BARNARD, et al.**  
Circuit Court-St. Louis County  
State of Missouri  
Case No. 20SL-CC00905

Mark B. Smith, of Markell & Associates, Inc., being duly sworn upon his oath, states that he is over the age of 18 years; that he is a disinterested party to this action;; that he served a copy of the attached Summons and Petition on defendant Christine Barnard, by personal service, at 1403 Sugartree Ln., Pacific, Missouri 63069 on February 21, 2020, 3:30 p.m.

**MARKELL & ASSOCIATES, INC.**

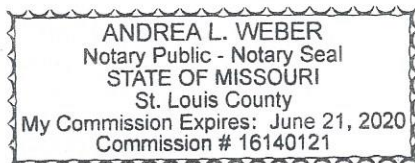


**Mark B. Smith**

Private Investigator  
State of Missouri  
License #2010019303

Private Detective  
State of Illinois  
License #115.001875

Subscribed to and sworn before me, a Notary Public on this 22nd of February, 2020.



**Notary Public**



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |  |
|---|--|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905  |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                    |
| Nature of Suit:<br>CC Pers Injury-Vehicular |  |

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: CHRISTINE BARNARD

Alias:

1403 SUGARTREE LANE  
PACIFIC, MO 63069

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

21-FEB-2020

Date

Further Information:

AD

Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**IN THE CIRCUIT COURT  
21st JUDICIAL CIRCUIT  
SAINT LOUIS COUNTY CIRCUIT COURT  
SAINT LOUIS, MISSOURI**

**CRAIG AND LESLIE MARTON,**

Plaintiffs,

v.

**RICHARD AND CHRISTINE BARNARD,**

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 20SL-CC00905

Division 12

**CERTIFICATE OF SERVICE**

Come now Plaintiffs, by and through their undersigned counsel, and certify that a copy of Plaintiffs' First Interrogatories Directed to Defendants and Plaintiffs' Request for Production of Documents were sent via email to the following counsel of record on this 2nd day of April, 2020:

Mr. Michael Cerulo  
BATTY OTTO CORONADO, P.C.  
7711 Bonhomme Avenue, Ste. 901  
St. Louis, MO 63105  
314.863.6274 Tel  
314.863.6407 Fax  
[mcerulo@battyotto.com](mailto:mcerulo@battyotto.com)  
*Attorneys for Defendants*

RESPECTFULLY SUBMITTED:

/s/ **James W. Eason**

---

JAMES W. EASON, #57112  
THE EASON LAW FIRM, LLC  
1924 Chouteau Avenue  
Saint Louis, MO 63103  
(314) 932-1066  
(314) 667-3161 Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)



**IN THE CIRCUIT COURT  
21st JUDICIAL CIRCUIT  
SAINT LOUIS COUNTY CIRCUIT COURT  
SAINT LOUIS, MISSOURI**

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| <b>CRAIG AND LESLIE MARTON,</b>       | ) |                       |
|                                       | ) |                       |
| Plaintiffs,                           | ) |                       |
|                                       | ) |                       |
| v.                                    | ) | Case No. 20SL-CC00905 |
|                                       | ) |                       |
| <b>RICHARD AND CHRISTINE BARNARD,</b> | ) |                       |
|                                       | ) |                       |
|                                       | ) | Division 12           |
|                                       | ) |                       |
| Defendants.                           | ) |                       |

**CERTIFICATE OF SERVICE**

Come now Plaintiffs, by and through their undersigned counsel, and certify that a copy of Plaintiffs' First Interrogatories Directed to Defendant Christine Barnard and Plaintiffs' Request for Production of Documents Directed to Defendant Christine Barnard were sent via email to the following counsel of record on this 30th day of April, 2020:

Ms. Beth C. Boggs, #43089  
BOGGS, AVELLINO, LACH & BOGGS, LLC  
9326 Olive Blvd., Ste. 200  
St. Louis, MO 63132  
314.726.2310 Tel  
314.726.2360 Fax  
[bboggs@balblawyers.com](mailto:bboggs@balblawyers.com)  
*Attorneys for Defendant Christine Barnard*

RESPECTFULLY SUBMITTED:

/s/ **James W. Eason**

---

JAMES W. EASON, #57112  
THE EASON LAW FIRM, LLC  
1924 Chouteau Avenue  
Saint Louis, MO 63103  
(314) 932-1066  
(314) 667-3161 Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| CRAIG AND LESLIE MARTON,       | ) |                                 |
|                                | ) |                                 |
| Plaintiffs,                    | ) | Case No.: 20SL-CC00905          |
|                                | ) | Division: 12                    |
| v.                             | ) |                                 |
|                                | ) | DEFENDANT DEMANDS TRIAL BY JURY |
| RICHARD AND CHRISTINE BARNARD, | ) |                                 |
|                                | ) |                                 |
| Defendants.                    | ) |                                 |

ENTRY OF APPEARANCE

COMES NOW BETH C. BOGGS and BOGGS, AVELLINO, LACH & BOGGS, L.L.C., and hereby enters their appearance as attorneys of record for Defendant, CHRISTINE BARNARD.

DEFENDANT DEMANDS TRIAL BY JURY.

Respectfully submitted,

CHRISTINE BARNARD

By: /s/Beth C. Boggs  
Beth C. Boggs, #43089  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Blvd., Suite 200  
St. Louis, MO 63132  
(314) 726-2310 Telephone  
(314) 726-2360 Facsimile  
bboggs@balblawyers.com  
Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Circuit Court for St. Louis County, Missouri, by using the Court's CM/ECF Electronic Filing System this 30th day of April, 2020, with an electronic copy to be served by operation of the Court's electronic filing system upon the following:

James W. Eason, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Ave.  
St. Louis, MO 63103  
(314) 932-1066 – Telephone  
(314) 667-3161 – Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)  
Attorneys for Plaintiff

A handwritten signature in black ink, appearing to read "Mueller Hart", is written over a horizontal line.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
TWENTY-FIRST JUDICIAL COURT  
STATE OF MISSOURI

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| CRAIG AND LESLIE MARTON,       | ) |                                 |
|                                | ) |                                 |
| Plaintiffs,                    | ) | Case No.: 20SL-CC00905          |
|                                | ) | Division: 12                    |
| v.                             | ) |                                 |
|                                | ) | DEFENDANT DEMANDS TRIAL BY JURY |
| RICHARD AND CHRISTINE BARNARD, | ) |                                 |
|                                | ) |                                 |
| Defendants.                    | ) |                                 |

CERTIFICATE OF SERVICE

Copies of Defendant, Christine Barnard's, First Interrogatories and Request for Production of Documents Directed to Plaintiff Leslie Marton and Craig Marton were forwarded via U.S. Mail, postage prepaid, this 13th day of May, 2020, to: James W. Eason, The Eason Law Firm, LLC, 1924 Chouteau Ave., St. Louis, MO 63103 and electronically to [james.w.eason@gmail.com](mailto:james.w.eason@gmail.com).

DEFENDANT DEMANDS TRIAL BY JURY.

Respectfully submitted,

CHRISTINE BARNARD

By: /s/Beth C. Boggs  
Beth C. Boggs, #43089  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Blvd., Suite 200  
St. Louis, MO 63132  
(314) 726-2310 Telephone  
(314) 726-2360 Facsimile  
[bboggs@balblawyers.com](mailto:bboggs@balblawyers.com)  
Attorneys for Defendant



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Circuit Court for St. Louis County, Missouri, by using the Court's CM/ECF Electronic Filing System this 13th day of May, 2020, with an electronic copy to be served by operation of the Court's electronic filing system upon the following:

James W. Eason, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Ave.  
St. Louis, MO 63103  
(314) 932-1066 – Telephone  
(314) 667-3161 – Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)  
Attorneys for Plaintiff

A handwritten signature in black ink, appearing to read "Michael Hart", is written over a horizontal line.

Z:\LOK\_data\108\197\COS-02.doc\BCB\KTK\mh

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
 TWENTY-FIRST JUDICIAL COURT  
 STATE OF MISSOURI

|                                |   |  |
|--------------------------------|---|--|
| CRAIG AND LESLIE MARTON,       | ) |  |
|                                | ) |  |
| Plaintiffs,                    | ) | Case No.: 20SL-CC00905                 |
|                                | ) |  |
| v.                             | ) | Division: 12                           |
|                                | ) |  |
| RICHARD AND CHRISTINE BARNARD, | ) | <b>DEFENDANT DEMANDS TRIAL BY JURY</b> |
|                                | ) |  |
| Defendants.                    | ) |  |

**MOTION TO DISMISS**

COMES NOW Defendant, CHRISTINE BARNARD, by and through her attorneys, BETH C. BOGGS and BOGGS, AVELLINO, LACH & BOGGS, L.L.C., and hereby moves the Court to dismiss Count II and Count III of Plaintiff's Petition against her. In support of her motion, Defendant states as follows:

1. This case arises out of an alleged vehicle accident which occurred on or about August 30, 2016, when a vehicle operated by Plaintiff, Leslie Marton, collided with a vehicle operated by Defendant, Richard Barnard. Plaintiff, Leslie Marton, alleges that she sustained injuries to her body and mind as a result of that collision. Plaintiff, Craig Marton, is alleged to have been operating a nearby vehicle and is alleged to have suffered injuries to his mind as a result of the collision. Plaintiffs also allege that their dog was killed as a result of the collision.

2. Count I of Plaintiffs' Petition alleges negligence against Defendant, Richard Barnard. Count II purports to state a claim against Defendant, Christine Barnard, for negligent entrustment. Count III alleges negligent infliction of emotional distress against both Defendants.

3. Plaintiffs improperly plead each Count of their Petition on behalf of both Plaintiffs. Counts II and III incorporate all prior allegations, resulting in purported claims that are confusing, vague, uncertain, multiple and improperly combined making it impossible for Defendant to reasonably determine the nature of the claim which she is called upon to defend.

4. Count II fails to state a claim upon which relief can be granted for negligent entrustment. The essential elements which a plaintiff must plead and prove to recover on a claim for negligent entrustment in Missouri are:

- a. that the entrustee is incompetent by reason of age, inexperience, habitual recklessness or otherwise;
- b. that the entrustor knew, or had reason to know, of the entrustee's incompetence;
- c. that there was an entrustment of the chattel; and
- d. that the negligence of the entrustor concurred with the conduct of the entrustee as a proximate cause of the harm to the plaintiff.

*Evans v. Allen Auto Rental and Truck Leasing, Inc.*, 555 S.W.2d 325 (Mo. en banc 1977).

6. Plaintiffs have failed to properly plead a claim of negligent entrustment against Defendant, Christine Barnard, in the following ways:

- a. Plaintiffs have failed to sufficiently allege that Defendant, Richard Barnard, was incompetent by reason of age, experience, habitual recklessness or otherwise. They have merely alleged, in conclusory fashion,

that “[u]pon information and belief, Defendant, Richard Barnard, is incompetent by reasons of experience, habitual recklessness or otherwise.” Plaintiffs’ failure to allege any facts supporting their allegations of incompetence violates the requirements for pleadings contained in Missouri Supreme Court Rule 55.05;

b. Plaintiffs have failed to sufficiently allege that Defendant, Christine Barnard, knew or had reason to know of any incompetence on the part of Defendant, Richard Barnard. They have merely alleged, in conclusory fashion, that “[u]pon information and belief, Defendant, Christine Barnard, knew or had reason to know of Defendant, Richard Barnard’s, incompetence.” Plaintiffs’ failure to allege any facts supporting their allegations of Christine Barnard’s knowledge of any incompetence on the part of Richard Barnard violates the requirements for pleadings contained in Missouri Supreme Court Rule 55.05;

c. Plaintiffs have alleged that Defendant, Christine Barnard, is the registered owner of the vehicle operated by Defendant, Richard Barnard, at the time of the alleged occurrence. Plaintiffs fail to allege that Defendant, Richard Barnard, was also a registered owner of the vehicle. (See Certified Documents of the Missouri Department of Revenue, attached hereto as Exhibit A, which show that the vehicle was owned by Richard Barnard and Christine Barnard.) Because Richard Barnard was an owner of the vehicle at the time of the alleged occurrence, there could be no entrustment of the



vehicle from Christine Barnard to Richard Barnard, because Richard Barnard, as an owner of the vehicle, had the right to possess and operate it, and Christine Barnard had no right of control over the vehicle to deny Richard Barnard's possession and operation of the vehicle. (See *Stover v. Patrick*, 459 S.W.2d 393 (Mo. *en banc* 1970), wherein the Missouri Supreme Court held that co-ownership of an automobile does not give a right of control of the vehicle as against another co-owner.) Negligent entrustment is applicable only when the defendant has a right to control the object entrusted. *Sampson v. W.F. Enterprises, Inc.*, 611 S.W.2d 333, 338 (Mo. App. 1980), *reversed on other grounds*. In addition, the Missouri Supreme Court has held that negligent entrustment only occurs when the defendant "supplies" a chattel to another. *Delana v. CED Sales, Inc.*, 486 S.W.3d 316 (Mo. *en banc* 2016). Defendant, Christine Barnard, cannot be said to have "supplied" the vehicle to Defendant, Richard Barnard, when he was a co-owner of the vehicle and had the right to possess it and operate it.

d. Plaintiffs have failed to sufficiently allege any act or omission of negligence on the part of Defendant, Christine Barnard, that concurred with the alleged negligence of Defendant, Richard Barnard, as a proximate cause of Plaintiffs' alleged harm.

7. Plaintiffs fail to sufficiently allege a claim for negligent infliction of emotional distress against Defendant, Christine Barnard, in Count III of their Petition.

8. The essential elements of pleading and proving a claim of negligent infliction of emotional distress in Missouri are as follows:

- a. that the defendant should have realized that his conduct involved an unreasonable risk to the plaintiff;
- b. that plaintiff was present at the scene of an injury producing, sudden event ; and
- c. that plaintiff was in the zone of danger and placed in reasonable fear of physical injury to his own person.

*Asaro v. Cardinal Glennon Memorial Hospital*, 799 S.W.2d 595 (Mo. en banc 1990).

9. Plaintiff, Leslie Marton, cannot bring a claim for negligent infliction of emotional distress against Defendant, Christine Barnard, because Leslie Marton alleges to have been a direct victim of the negligence of Defendant, Richard Barnard. See *Jarett v. Jones*, 258 S.W.3d 442 (Mo. en banc 2008). A direct victim's claim for emotional distress is subsumed in her negligence claim.

10. Because any claim of negligence against Defendant, Christine Barnard, is derivative of any claim of negligent entrustment, Count III suffers all of the fatal defects of Count II, described above.

11. Plaintiff, Craig Marton, has failed to allege that he was in the zone of danger, or was placed in reasonable fear of physical injury to his own person and, as a result, has failed to properly plead a claim for negligent infliction of emotional distress.

12. In addition, Plaintiffs have failed to allege facts sufficient to support any claim of punitive damages against Defendant, Christine Barnard, and Plaintiffs' prayer for punitive damages should be stricken.

13. For all of the reasons stated above, Count II and Count III of Plaintiffs' Petition against Defendant, Christine Barnard, should be dismissed, with prejudice.

WHEREFORE, Defendant, Christine Barnard, respectfully prays the Court to enter an Order dismissing Count II and Count III of Plaintiffs' Petition against her, and for such further relief as the Court deems just.

**DEFENDANT DEMANDS TRIAL BY JURY.**

Respectfully submitted,

**CHRISTINE BARNARD**

By: /s/Beth C. Boggs

Beth C. Boggs, #43089

BOGGS, AVELLINO, LACH & BOGGS, L.L.C.

9326 Olive Blvd., Suite 200

St. Louis, MO 63132

(314) 726-2310 Telephone

(314) 726-2360 Facsimile

[bboggs@balblawyers.com](mailto:bboggs@balblawyers.com)

**Attorneys for Defendant**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Circuit Court for St. Louis County, Missouri, by using the Court's CM/ECF Electronic Filing System this 14th day of May, 2020, with an electronic copy to be served by operation of the Court's electronic filing system upon the following:

James W. Eason, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Ave.  
St. Louis, MO 63103  
(314) 932-1066 – Telephone  
(314) 667-3161 – Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)  
**Attorneys for Plaintiff**





**IN THE CIRCUIT COURT  
21st JUDICIAL CIRCUIT  
SAINT LOUIS COUNTY CIRCUIT COURT  
SAINT LOUIS, MISSOURI**

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| <b>CRAIG AND LESLIE MARTON,</b>       | ) |                       |
|                                       | ) |                       |
| Plaintiffs,                           | ) |                       |
|                                       | ) |                       |
| v.                                    | ) | Case No. 20SL-CC00905 |
|                                       | ) |                       |
| <b>RICHARD AND CHRISTINE BARNARD,</b> | ) |                       |
|                                       | ) | Division 12           |
|                                       | ) |                       |
| Defendants.                           | ) |                       |

**MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANT RICHARD BARNARD**

Plaintiffs Craig and Leslie Marton, by and through the undersigned counsel, state the following for their Motion for Default Judgment:

1. On February 7, 2020 Plaintiffs filed their Petition herein, and Summonses were issued by the Clerk directed to Defendants Richard and Christine Barnard.
2. On or about February 21, 2020, Defendant Richard Barnard was duly served with the Summons and Petition, as evidenced by the Return of Service previously filed herein and attached hereto as **Exhibit 1**.
3. More than thirty days have passed since Defendant Richard Barnard was served at his last known address of 1403 Sugartree Lane, Pacific, Missouri 63069. The same address as his mother, Co-Defendant Christine Barnard.
3. No counsel has entered their appearance for Defendant Richard Barnard.
4. Defendant Richard Barnard has not filed with the Clerk or this Court a request for an extension of time.

5. Plaintiffs will present affidavits to their damages or appear for a damages hearing in a manner prescribed by the Court.

WHEREFORE, Plaintiffs pray the Court enter a default against Defendant Richard Barnard.

RESPECTFULLY SUBMITTED:

/s/ **James W. Eason**

---

JAMES W. EASON, #57112  
THE EASON LAW FIRM, LLC  
1924 Chouteau Avenue  
Saint Louis, MO 63103  
(314) 932-1066  
(314) 667-3161 Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 20<sup>th</sup> of May, 2020 the foregoing was filed electronically with the Clerk of Court, therefore to be served electronically by operation of the Court's electronic filing system upon the parties.

/s/ James W. Eason

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

CRAIG MARTON and  
LESLIE MARTON,

Plaintiffs,

v.

RICHARD BARNARD and  
LESLIE BARNARD,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Cause No. 20SL-CC00905

**LIMITED ENTRY OF APPEARANCE**

COME NOW Michael D. Cerulo, Erica L. Briscoe and the law firm of BATY OTTO CORONADO, PC, and hereby enter their appearance as counsel and attorneys of record on behalf of Defendant Richard Barnard for the limited purpose of contesting jurisdiction in the above-entitled case.

/s/ Michael D. Cerulo

Michael D. Cerulo (#57536)

Erica Briscoe (#60683)

BATY OTTO CORONADO, P.C.

7711 Bonhomme Ave., Suite 901

St. Louis, MO 63105

[mcerulo@batyholm.com](mailto:mcerulo@batyholm.com)

[ebriscoe@batyholm.com](mailto:ebriscoe@batyholm.com)

Telephone: 314-863-6274

Telecopy: 314-863-6407

**ATTORNEYS FOR DEFENDANT**

**RICHARD BARNARD**

**Certificate of Service**

I do hereby certify that, on May 21, 2020, a copy of the above and foregoing was served via the Court's electronic filing system to all counsel of record.

/s/ Michael D. Cerulo  
Attorneys for Defendant  
Richard Barnard

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| CRAIG AND LESLIE MARTON,       | ) |                                 |
|                                | ) |                                 |
| Plaintiffs,                    | ) | Case No.: 20SL-CC00905          |
|                                | ) | Division: 12                    |
| v.                             | ) |                                 |
|                                | ) | DEFENDANT DEMANDS TRIAL BY JURY |
| RICHARD AND CHRISTINE BARNARD, | ) |                                 |
|                                | ) |                                 |
| Defendants.                    | ) |                                 |

CERTIFICATE OF SERVICE

Copies of Defendant, Christine Barnard's, Answers and Objections to Plaintiffs' First Interrogatories Directed to Defendant Christine Barnard and Defendant, Christine Barnard's Responses and Objections to Plaintiff's Request for Production of Documents to Defendant Christine Barnard were forwarded via U.S. Mail, postage prepaid, this 21st day of May, 2020, to: James W. Eason, The Eason Law Firm, LLC, 1924 Chouteau Ave., St. Louis, MO 63103, Attorneys for Plaintiff.

Respectfully submitted,

CHRISTINE BARNARD

By: /s/Beth C. Boggs  
Beth C. Boggs, #43089  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Blvd., Suite 200  
St. Louis, MO 63132  
(314) 726-2310 Telephone  
(314) 726-2360 Facsimile  
bboggs@balblawyers.com  
Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Circuit Court for St. Louis County, Missouri, by using the Court's CM/ECF Electronic Filing System this 21st day of May, 2020, with an electronic copy to be served by operation of the Court's electronic filing system upon the following:

James W. Eason, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Ave.  
St. Louis, MO 63103  
(314) 932-1066 – Telephone  
(314) 667-3161 – Facsimile  
james.w.eason@gmail.com  
Attorneys for Plaintiff

A handwritten signature in black ink, appearing to read "Michelle Hart", written over a horizontal line.

Z:\LOK\_data\108\197\COS-01.doc\BCB\dk

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

CRAIG MARTON and  
LESLIE MARTON,

Plaintiffs,

v.

RICHARD BARNARD and  
CHRISTINE BARNARD,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Cause No. 20SL-CC00905

**MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR DEFAULT  
JUDGMENT BASED ON LACK OF PERSONAL JURISDICTION**

COMES NOW Defendant Richard Barnard ("Defendant"), by and through the undersigned counsel, and in opposition to Plaintiffs Craig Marton and Leslie Marton's ("Plaintiffs") Motion for Default Judgment, advise the Court that it does not have personal jurisdiction over Defendant due to Plaintiffs' failure to obtain service of process on Defendant. Defendant respectfully represents to the Court as follows:

**PROCEDURAL HISTORY OF CASE**

On May 15, 2020, Plaintiffs filed their motion for default judgment, alleging that Defendant had been served with a summons in this matter and had failed to answer within thirty days of service. The only evidence supporting Plaintiffs' motion is an affidavit prepared by their private process server. Defendant advises the Court that he has been served with process in this matter and further advises that the affidavit of the special process server is legal insufficient to confer personal jurisdiction to the Court over Defendant.

On February 7, 2020, Plaintiffs filed their Petition in this lawsuit against Defendant and his mother, Christine Barnard. On February 21, 2020, Plaintiffs' private process server Mark B.



Smith served Christine Barnard with a summons at her address at 1403 Sugartree Lane in Pacific, Missouri. A copy of the return of service on Christine Barnard is attached hereto as Exhibit A. At the same time, Process Server Smith attempted to serve Richard Barnard at the 1403 Sugartree Lane address in Pacific, Missouri. During this attempted service of process, Christine Barnard advised Process Server Smith that Defendant did not live with her and was a resident of the Chicago, Illinois area.

On February 21, 2020, Defendant lived in the State of Illinois. He moved to Geneva, Illinois in October 2019, where he established his residence. On February 21, 2020, Defendant's dwelling house and usual place of abode was 420 Brittany Court, Apartment H in Geneva, Illinois. On February 21, 2020, Defendant did not reside with Christine Barnard.

On February 22, 2020, Process Server Smith prepared an "affidavit" concerning his attempt to serve Defendant. In his affidavit, Process Server Smith does not claim that he served Defendant with a summons. Instead, he attested that he "delivered" a copy of the summons and petition to Christine Barnard at Ms. Barnard's residence. Process Server Smith confirmed that service was not obtained by noting that Christine Barnard advised him on February 21, 2020 that Defendant resides in the Chicago, Illinois area. A copy of the affidavit of Mark B. Smith is attached hereto as Exhibit B.

Process Server Smith's affidavit does not contain any information indicating that Defendant resided at 1403 Sugartree Lane in Pacific, Missouri on February 21, 2020. Rather than an "affidavit of return of service" like the one prepared following service on Christine Barnard, Process Server Smith merely prepared an "affidavit" concerning his attempt to serve Defendant. The "affidavit" does not assert that Defendant was served, but merely states that a copy of the summons was "delivered" to Ms. Barnard.

Defendant requests an evidentiary hearing as to the issues raised in Plaintiffs' Motion for Default Judgment.

### **LAW AND ARGUMENT**

**A. Under Missouri Law, Defendant has not been Properly Served, the Court Lacks Personal Jurisdiction over Defendant, and the Motion for Default Judgment should be Denied.**

"[P]ersonal jurisdiction refers ... to the power of a court to require a person to respond to a legal proceeding that may affect the person's rights or interests." *J.C.W. ex rel. Webb v. Wyciskalla*, 275 S.W.3d 249, 253 (Mo. banc 2009). A challenge to the trial court's personal jurisdiction is simply an argument that "the constitutional principle of due process bars [the court] from affecting the rights and interests of a particular person, whether such a 'person' be an individual or an entity such as a corporation." *Id.* "Service of process is a predicate to the trial court's jurisdiction to adjudicate the rights of the defendant, and when the requirements for manner of service are not met, the court lacks the power to adjudicate." *Scholz v. Schenk*, 489 S.W.3d 306, 309 (Mo. App. W.D. 2016) (quoting *Manzella v. Dorsey*, 258 S.W.3d 501, 504 (Mo. App. E.D. 2008)). "A default judgment, being void due to lack of jurisdiction, remains void forever, and any kind of proceeding to cancel it is proper." *Shapiro v. Brown*, 979 S.W.2d 526, 528 (Mo. App. E.D. 1998).

Rule 54 governs the issuance and service of summons in civil actions. Rule 54.01(a)-(b) provides that, upon the filing of a pleading necessitating service of process, the clerk of the court must issue the required summons and deliver it to the sheriff or other person specially appointed to serve the summons. Then, in the case of an individual within the state, personal service on the individual must be made:

by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person of the individual's family over the age of fifteen years, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process.

Rule 54.13(b)(1). When a party seeks to effect service outside the state, service must be made “[b]y a person authorized by law to serve process in civil actions within the state of territory where such service is made” and as provided in Rule 54.13(b). Mo. Sup. Ct. R. 54.14; see also Mo. Stat. § 506.192 (“Service of process outside the state and return thereof shall be made in accordance with supreme court rule 54.20(b)).

Additionally, service on an individual at home must be made “by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual’s dwelling house or usual place of abode with some person of the individual’s family over the age of fifteen years. . . .” Mo. R. Sup. Ct. 54.13(b) (emphasis added).

After serving process in accordance with Rule 54.13(b), “Every officer . . . shall make an affidavit . . . stating the time, place and manner of such service, the official character of the affiant, and the affiant’s authority to serve process in civil actions within the state or territory where such service was made.” Mo. Sup. Ct. R. 54.20(b)(1). If these requirements are not met, a server’s return is deficient and the trial court does not acquire personal jurisdiction over the defendant.

In the present case, the affidavit of Process Server Smith confirms that he did not obtain service on Defendant. Process Server Smith did not denote his affidavit as a return of service on Defendant; it is merely identified as an affidavit. Further, the affidavit fails to conform with Rule 54.13(b) in that Process Server Smith does not affirm that he served Defendant; he merely states that he “delivered” the summons “by leaving a copy with Christine Barnard.” Of greatest significant, Process Server Smith acknowledges the failure to obtain service on Defendant by stating, “Affiant further states, Christine Barnard advised Richard Barnard currently resides in the Chicago, Illinois area.” See Exhibit B. Process Server Smith did not provide any information

contradicting Ms. Barnard's representation or supporting the proposition that Defendant did reside with Ms. Barnard on February 21, 2020.

Process Server Smith's affidavit concerning the delivery of Defendant's summons contrasts starkly with the "Affidavit of Return of Service" he prepared following service on Christine Barnard. The titles of the two documents are notably different. The document concerning Christine Barnard was titled "Affidavit of Return of Service" as opposed to the "affidavit" concerning Defendant. Although Process Server Smith simply indicates that he "delivered" the summons for Defendant to Ms. Barnard, he specifically confirms that he "served" Ms. Barnard with her summons in her return of service. The significant differences in the two documents yield one conclusion: Process Server Smith cannot and did not attest that he obtained service of process on Defendant.

On February 21, 2020, Defendant did not reside with Christine Barnard or even in the State of Missouri. In October 2019, Defendant moved to Geneva, Illinois, where he established his residence. On February 21, 2020, Defendant's "dwelling house" and usual place of abode was 420 Brittany Court, Apartment H in Geneva, Illinois. Plaintiffs did not properly serve Defendant by having a summons delivered to his mother in Pacific Missouri. Due to the obvious defect in service, this Court does not have personal jurisdiction over Defendant and cannot enter judgment against him.

**B. Process Server Smith's Affidavit is Not a Return of Service, Not Prima Facie Evidence of Service and the Burden of Establishing Valid Service Lies with Plaintiffs**

"A return of service is prima facie evidence of service. To impeach a return of service there must be clear and convincing evidence corroborating the denial of the party alleged to have been served...In Missouri, clear and convincing evidence is that which tilts the scales in the affirmative

when weighted against evidence in opposition; evidence which clearly convinces the fact finder of the truth of the proposition to be proved.”). *Cook v. Polineni, M.D.*, 967 S.W.2d 687, 690-691 (Mo. App. E.D. 1998).

“The return of a Missouri sheriff, or that of his deputy, on a summons served on a litigant in the State, made in accordance with the statutes, is conclusive as to service, and can be contradicted only in an action for making a false return. *Williamson v. Williamson*, 331 S.W.2d 140, 144 (Mo. App. 1960). This doctrine of conclusiveness does not extend to the return of a private person appointed to serve the summons. *Id.*

In the present matter, Plaintiffs bear the burden of proof in order to establish valid service. Although a return of service constitutes prima facie evidence of service, no such return of service has been filed for Defendant. Whereas Plaintiffs filed a document entitled “Affidavit of Return of Service” for Christine Barnard, they simply filed an “Affidavit” concerning the delivery of Defendant’s summons. The document is equivocal and non-committal as to whether service actually occurred, with Process Server Smith noting that he was advised that Defendant lived in the State of Illinois. Likewise, Process Server Smith does not represent himself to be a Missouri sheriff or sheriff’s deputy. Accordingly, Plaintiffs are not entitled to assert the doctrine of conclusiveness in support of their contention that Defendant has been served. Because Plaintiffs have not provided the Court with a proper return confirming service on Defendant, Plaintiffs have not made prima facie showing that the Court has personal jurisdiction over him. To the extent Plaintiffs contend they served Defendant, they bear the burden of proof in establishing that service, as Process Server Smith’s affidavit is insufficient on its face.

WHEREFORE, Defendant Richard Barnard respectfully requests that the Court deny Plaintiffs' Motion for Default Judgment against Richard Barnard and for such further relief as the Court deems appropriate under the circumstances.

/s/ Michael D. Cerulo  
Michael D. Cerulo (#57536)  
Erica L. Briscoe (#60683)  
BATY OTTO CORONADO, P.C.  
7711 Bonhomme Ave., Suite 901  
St. Louis, MO 63105  
Telephone: 314-863-6274  
Facsimile: 314-863-6407  
[mcerulo@batyotto.com](mailto:mcerulo@batyotto.com)  
[ebriscoe@batyotto.com](mailto:ebriscoe@batyotto.com)  
**ATTORNEYS FOR DEFENDANT**  
**RICHARD BARNARD**

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing was served on all counsel of record via the Missouri Casenet filing system on May 22, 2020.

/s/ Michael D. Cerulo  
Attorney for Defendant  
Richard Barnard

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| CRAIG AND LESLIE MARTON,       | ) |                                 |
|                                | ) |                                 |
| Plaintiffs,                    | ) | Case No.: 20SL-CC00905          |
|                                | ) | Division: 12                    |
| v.                             | ) |                                 |
|                                | ) | DEFENDANT DEMANDS TRIAL BY JURY |
| RICHARD AND CHRISTINE BARNARD, | ) |                                 |
|                                | ) |                                 |
| Defendants.                    | ) |                                 |

CERTIFICATE OF SERVICE

Copies of Defendant's Supplemental Answers to Plaintiffs' Interrogatory #6 Directed to Defendant Christine Barnard were forwarded via U.S. Mail, postage prepaid, this 2nd day of June, 2020, to: James W. Eason, The Eason Law Firm, LLC, 1924 Chouteau Ave., St. Louis, MO 63103 and Michael D. Cerulo, Erica Briscoe, BATY OTTO CORONADO, P.C., 7711 Bonhomme Ave., Suite 901, St. Louis, MO 63105.

Respectfully submitted,

CHRISTINE BARNARD

By: /s/Beth C. Boggs  
Beth C. Boggs, #43089  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Blvd., Suite 200  
St. Louis, MO 63132  
(314) 726-2310 Telephone  
(314) 726-2360 Facsimile  
bboggs@balblawyers.com  
Attorneys for Defendant



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Circuit Court for St. Louis County, Missouri, by using the Court's CM/ECF Electronic Filing System this 2nd day of June, 2020, with an electronic copy to be served by operation of the Court's electronic filing system upon the following:

James W. Eason, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Ave.  
St. Louis, MO 63103  
(314) 932-1066 – Telephone  
(314) 667-3161 – Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)  
Attorneys for Plaintiff

Michael D. Cerulo, #57536  
Erica Briscoe, #60683  
BATY OTTO CORONADO, P.C.  
7711 Bonhomme Ave., Suite 901  
St. Louis, MO 63105  
(314) 863-6274 – Telephone  
(314) 863-6407 – Facsimile  
[mcerulo@batyholm.com](mailto:mcerulo@batyholm.com)  
[ebriscoe@batyholm.com](mailto:ebriscoe@batyholm.com)  
Attorneys for Defendant  
Richard Barnard

A handwritten signature in black ink, appearing to read "Michael D. Cerulo", written over a horizontal line.

**IN THE CIRCUIT COURT  
21st JUDICIAL CIRCUIT  
SAINT LOUIS COUNTY CIRCUIT COURT  
SAINT LOUIS, MISSOURI**

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| <b>CRAIG AND LESLIE MARTON,</b>       | ) |                       |
|                                       | ) |                       |
| Plaintiffs,                           | ) |                       |
|                                       | ) |                       |
| v.                                    | ) | Case No. 20SL-CC00905 |
|                                       | ) |                       |
| <b>RICHARD AND CHRISTINE BARNARD,</b> | ) |                       |
|                                       | ) | Division 12           |
|                                       | ) |                       |
| Defendants.                           | ) |                       |

**MOTION FOR ALIAS SUMMONS**

Come now Plaintiffs and move for this Court to issue an Alias Summons to Serve Defendant Richard Barnard, 420 Brittany Court, Apartment H, Geneva, IL 60134.

RESPECTFULLY SUBMITTED:

/s/ James W. Eason

\_\_\_\_\_  
JAMES W. EASON, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Avenue  
St. Louis, Missouri 63103  
(314) 932-1066  
(314) 667-3161 Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)

So Ordered: \_\_\_\_\_ Dated: \_\_\_\_\_  
Judge

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
TWENTY-FIRST JUDICIAL CIRCUIT  
STATE OF MISSOURI

|                                |   |                            |
|--------------------------------|---|----------------------------|
| CRAIG AND LESLIE MARTON,       | ) |                            |
|                                | ) |                            |
| Plaintiffs,                    | ) | Cause No. 20SL-CC00905     |
|                                | ) |                            |
| v.                             | ) |                            |
|                                | ) |                            |
| RICHARD AND CHRISTINE BARNARD, | ) | <b>JURY TRIAL DEMANDED</b> |
|                                | ) |                            |
| Defendants.                    | ) |                            |

**CERTIFICATE OF SERVICE**

Comes now Plaintiff, by and through the undersigned counsel, and certifies that a copy of Plaintiff Leslie Marton's Answers and/or Objections to Defendant Christine Barnard's First Interrogatories Directed to Plaintiff Leslie Marton and Plaintiff Leslie Marton's Responses and/or Objections to Defendant Christine Barnard's First Request for Production of Documents Directed to Plaintiff Leslie Marton were sent via email to the following counsel of record on this 5th day of June, 2020:

Beth C. Boggs, #06208313  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Boulevard, Suite 200  
St. Louis, MO 63132  
(314) 726-2310 – Telephone  
(314) 726-2360 – Facsimile  
[bboggs@balblawyers.com](mailto:bboggs@balblawyers.com)  
**Attorneys for Defendant Christine Barnard**

RESPECTFULLY SUBMITTED:

/s/ **James W. Eason**

JAMES W. EASON, #57112  
THE EASON LAW FIRM, LLC  
1924 Chouteau Avenue  
Saint Louis, MO 63103  
(314) 932-1066  
(314) 667-3161 Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
TWENTY-FIRST JUDICIAL CIRCUIT  
STATE OF MISSOURI

|                                |   |                            |
|--------------------------------|---|----------------------------|
| CRAIG AND LESLIE MARTON,       | ) |                            |
|                                | ) |                            |
| Plaintiffs,                    | ) | Cause No. 20SL-CC00905     |
|                                | ) |                            |
| v.                             | ) |                            |
|                                | ) |                            |
| RICHARD AND CHRISTINE BARNARD, | ) | <b>JURY TRIAL DEMANDED</b> |
|                                | ) |                            |
| Defendants.                    | ) |                            |

**CERTIFICATE OF SERVICE**

Comes now Plaintiff, by and through the undersigned counsel, and certifies that a copy of Plaintiff Craig Marton's Answers and/or Objections to Defendant Christine Barnard's First Interrogatories Directed to Plaintiff Craig Marton and Plaintiff Craig Marton's Responses and/or Objections to Defendant Christine Barnard's First Request for Production of Documents Directed to Plaintiff Craig Marton were sent via email to the following counsel of record on this 5th day of June, 2020:

Beth C. Boggs, #06208313  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Boulevard, Suite 200  
St. Louis, MO 63132  
(314) 726-2310 – Telephone  
(314) 726-2360 – Facsimile  
[bboggs@balblawyers.com](mailto:bboggs@balblawyers.com)  
**Attorneys for Defendant Christine Barnard**

RESPECTFULLY SUBMITTED:

/s/ **James W. Eason**

JAMES W. EASON, #57112  
THE EASON LAW FIRM, LLC  
1924 Chouteau Avenue  
Saint Louis, MO 63103  
(314) 932-1066  
(314) 667-3161 Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

|                                |   |  |
|--------------------------------|---|--|
| CRAIG AND LESLIE MARTON,       | ) |  |
|                                | ) |  |
| Plaintiffs,                    | ) | Case No.: 20SL-CC00905                 |
|                                | ) |  |
| v.                             | ) | Division: 12                           |
|                                | ) |  |
| RICHARD AND CHRISTINE BARNARD, | ) | <b>DEFENDANT DEMANDS TRIAL BY JURY</b> |
|                                | ) |  |
| Defendants.                    | ) |  |

**NOTICE OF HEARING**

TO: ALL ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Defendant, Christine Barnard, will call up for hearing her Motion to Dismiss on **Thursday, June 18, 2020, at 10:30 a.m.**, via Zoom video conference, before the Honorable Stanley J. Wallach, at the St. Louis County Courthouse, or as soon thereafter as counsel may be heard.

**DEFENDANT DEMANDS TRIAL BY JURY**

Respectfully submitted,

**CHRISTINE BARNARD**

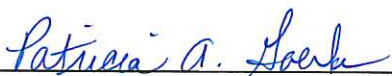
By: /s/Beth C. Boggs  
Beth C. Boggs, #43089  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Blvd., Suite 200  
St. Louis, MO 63132  
(314) 726-2310 Telephone  
(314) 726-2360 Facsimile  
bboggs@balblawyers.com  
**Attorneys for Defendant**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Circuit Court for St. Louis County, Missouri, by using the Court's CM/ECF Electronic Filing System this 8th day of June, 2020, with an electronic copy to be served by operation of the Court's electronic filing system upon the following:

James W. Eason, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Ave.  
St. Louis, MO 63103  
(314) 932-1066 – Telephone  
(314) 667-3161 – Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)  
**Attorneys for Plaintiff**

Michael D. Cerulo, #57536  
Erica Briscoe, #60683  
BATY OTTO CORONADO, P.C.  
7711 Bonhomme Ave., Suite 901  
St. Louis, MO 63105  
(314) 863-6274 – Telephone  
(314) 863-6407 – Facsimile  
[mcerulo@batyholm.com](mailto:mcerulo@batyholm.com)  
[ebriscoe@batyholm.com](mailto:ebriscoe@batyholm.com)  
**Attorneys for Defendant**  
**Richard Barnard**

  
\_\_\_\_\_

Z:\LOK\_data\108\197\NOH-01.doc\BCB\tg







## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |   |                   |
|---|---|-------------------|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905   | (Date File Stamp) |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address:<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |                   |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                     |                   |
| Nature of Suit:<br>CC Pers Injury-Vehicular |   |                   |

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

|   |  |  |
|---|--|--|
| <p>The State of Missouri to: <b>RICHARD BARNARD</b><br/>Alias:</p> <p>420 BRITTANY COURT<br/>APT H<br/>GENEVA, IL 60134</p> <p><b>COURT SEAL OF</b><br/><br/><b>ST. LOUIS COUNTY</b></p> | <p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p><b>SPECIAL NEEDS:</b> If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.</p> <p><u>08-JUN-2020</u><br/>Date<br/>Further Information:<br/>CD</p> | <p><br/>Clerk</p> |
|---|--|--|

## Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
  - My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
  - I have served the above summons by: (check one)
    - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
    - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
    - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
    - ☐ other (describe) \_\_\_\_\_.
- Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion and/or petition must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion and/or petition when offered to him, the return shall be prepared to show the offer of the officer to deliver the summons and motion and/or petition and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the individual personally or by leaving a copy of the summons and motion and/or petition at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and motion and/or petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion and/or petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. On a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory in the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri Court within 30 days after service.

## THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

### NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

#### **Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

#### **Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

#### **Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS  
COUNTY, MISSOURI



\*5814\*

AFFIDAVIT OF SERVICE

Case No. :20SL-CC00905

|               |                 |
|---------------|-----------------|
| Plaintiff(s): | CRAIG MARTON    |
| Defendant(s): | RICHARD BARNARD |

STATE OF ILLINOIS  
COUNTY OF COOK ss.:

Michael Noble, the undersigned, being duly sworn, deposes and says:

On 06/15/2020 at 1:36 PM, I served the within SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; PETITION on RICHARD BARNARD at 420 Brittany Court, Apt. H, Geneva, IL60134 in the manner indicated below:

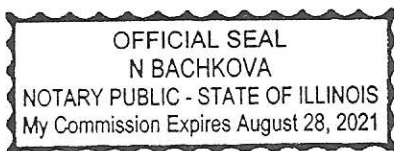
SUITABLE AGE: by delivering thereat a true copy of each to Jennifer Hollis, Girlfriend of RICHARD BARNARD, a person of suitable age and discretion. Said premises is RICHARD BARNARD's usual place of abode within the state.

Sworn to and subscribed before me on  
this 16 day of June, 2020.

X   
Michael Noble  
American Attorney Services  
710 Laramie Ave.  
Glenview, IL60025

  
\_\_\_\_\_

Notary Public





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |   |                   |
|---|---|-------------------|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905   | (Date File Stamp) |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address:<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |                   |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                     |                   |
| Nature of Suit:<br>CC Pers Injury-Vehicular |   |                   |

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

|  |  |
|--|--|
| <p>The State of Missouri to: <b>RICHARD BARNARD</b><br/>Alias:</p> <p>420 BRITTANY COURT<br/>APT H<br/>GENEVA, IL 60134</p> <p><b>COURT SEAL OF</b><br/><br/><b>ST. LOUIS COUNTY</b></p> | <p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p><b>SPECIAL NEEDS:</b> If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.</p> <p><u>08-JUN-2020</u><br/>Date<br/>Further Information:<br/>CD</p> |
|--|--|

*Joan P. Dineen*  
Clerk

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
  - My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
  - I have served the above summons by: (check one)
    - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
    - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
    - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
    - ☐ other (describe) \_\_\_\_\_.
- Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title



**Service Fees, if applicable**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion and/or petition must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion and/or petition when offered to him, the return shall be prepared to show the offer of the officer to deliver the summons and motion and/or petition and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the individual personally or by leaving a copy of the summons and motion and/or petition at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and motion and/or petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion and/or petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. On a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory in the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri Court within 30 days after service.

**THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI**

Twenty First Judicial Circuit

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES****Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS  
COUNTY, MISSOURI

\*5814\*

## AFFIDAVIT OF SERVICE

Case No. :20SL-CC00905

|               |                 |
|---------------|-----------------|
| Plaintiff(s): | CRAIG MARTON    |
| Defendant(s): | RICHARD BARNARD |

STATE OF ILLINOIS  
COUNTY OF COOK

ss.:

Michael Noble, the undersigned, being duly sworn, deposes and says:

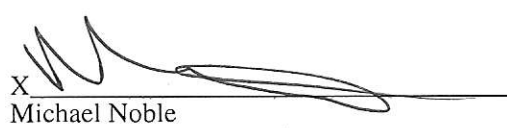
On 06/18/2020 at 1:08 PM, I served the within SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; PETITION on RICHARD BARNARD at 420 Brittany Court, Apt. H, Geneva, IL60134 in the manner indicated below:

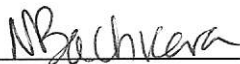
INDIVIDUAL: by delivering thereat a true copy of each to said recipient personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named Recipient and the person responding that he or she is in fact the person named in this action as the Recipient.

A description of the Recipient, or other person served on behalf of the Recipient is as follows:

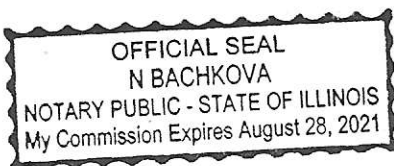
| Sex             | Color of skin/race | Color of hair | Age | Height  | Weight      |
|-----------------|--------------------|---------------|-----|---------|-------------|
| Male            | Caucasian          | Blonde        | 40  | Over 6' | 161-200 lbs |
| Other Features: |                    |               |     |         |             |

Sworn to and subscribed before me on  
this 19 day of June, 2020.

X   
Michael Noble  
American Attorney Services  
710 Laramie Ave.  
Glenview, IL60025



Notary Public





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |   |                   |
|---|---|-------------------|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905   | (Date File Stamp) |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address:<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |                   |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                     |                   |
| Nature of Suit:<br>CC Pers Injury-Vehicular |   |                   |

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

|  |  |
|--|--|
| <p>The State of Missouri to: <b>RICHARD BARNARD</b><br/>Alias:</p> <p>420 BRITTANY COURT<br/>APT H<br/>GENEVA, IL 60134</p> <p><b>COURT SEAL OF</b><br/><br/><b>ST. LOUIS COUNTY</b></p> | <p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p><b>SPECIAL NEEDS:</b> If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.</p> <p><u>08-JUN-2020</u><br/>Date<br/>Further Information:<br/>CD</p> |
|--|--|

*Joan P. Dillman*  
Clerk

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
  - My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
  - I have served the above summons by: (check one)
    - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
    - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
    - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
    - ☐ other (describe) \_\_\_\_\_.
- Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion and/or petition must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion and/or petition when offered to him, the return shall be prepared to show the offer of the officer to deliver the summons and motion and/or petition and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the individual personally or by leaving a copy of the summons and motion and/or petition at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and motion and/or petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion and/or petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. On a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory in the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri Court within 30 days after service.



**THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI**

Twenty First Judicial Circuit

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES****Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS  
COUNTY, MISSOURI



\*5814\*

AFFIDAVIT OF SERVICE

Case No. :20SL-CC00905

|               |                 |
|---------------|-----------------|
| Plaintiff(s): | CRAIG MARTON    |
| Defendant(s): | RICHARD BARNARD |

STATE OF ILLINOIS  
COUNTY OF COOK ss.:

Michael Noble, the undersigned, being duly sworn, deposes and says:

On 06/15/2020 at 1:36 PM, I served the within SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; PETITION on RICHARD BARNARD at 420 Brittany Court, Apt. H, Geneva, IL60134 in the manner indicated below:

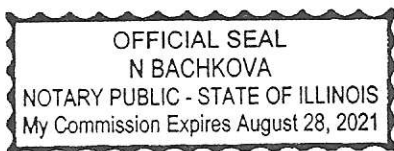
SUITABLE AGE: by delivering thereat a true copy of each to Jennifer Hollis, Girlfriend of RICHARD BARNARD, a person of suitable age and discretion. Said premises is RICHARD BARNARD's usual place of abode within the state.

Sworn to and subscribed before me on  
this 16 day of June, 2020.

X   
Michael Noble  
American Attorney Services  
710 Laramie Ave.  
Glenview, IL60025

  
\_\_\_\_\_

Notary Public







## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

|   |   |                   |
|---|---|-------------------|
| Judge or Division:<br>STANLEY JAMES WALLACH | Case Number: 20SL-CC00905   | (Date File Stamp) |
| Plaintiff/Petitioner:<br>CRAIG MARTON       | Plaintiff's/Petitioner's Attorney/Address:<br>JAMES WINDSOR EASON<br>SUITE 200<br>124 GAY AVENUE<br>CLAYTON, MO 63105 |                   |
| Defendant/Respondent:<br>RICHARD BARNARD    | Court Address:<br>ST LOUIS COUNTY COURT BUILDING<br>105 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                     |                   |
| Nature of Suit:<br>CC Pers Injury-Vehicular |   |                   |

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

|  |  |  |
|--|--|--|
| <p>The State of Missouri to: <b>RICHARD BARNARD</b><br/>Alias:</p> <p>420 BRITTANY COURT<br/>APT H<br/>GENEVA, IL 60134</p> <p><b>COURT SEAL OF</b></p>  <p><b>ST. LOUIS COUNTY</b></p> | <p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p><b>SPECIAL NEEDS:</b> If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.</p> <p><u>08-JUN-2020</u><br/>Date<br/>Further Information:<br/>CD</p> | <br>Clerk |
|--|--|--|

## Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
  - My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
  - I have served the above summons by: (check one)
    - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
    - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
    - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
    - ☐ other (describe) \_\_\_\_\_.
- Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
**Total** \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion and/or petition must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion and/or petition when offered to him, the return shall be prepared to show the offer of the officer to deliver the summons and motion and/or petition and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the individual personally or by leaving a copy of the summons and motion and/or petition at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and motion and/or petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion and/or petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. On a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory in the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri Court within 30 days after service.

**THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI**

Twenty First Judicial Circuit

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES****Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73



**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| CRAIG AND LESLIE MARTON,       | ) |                                 |
|                                | ) |                                 |
| Plaintiffs,                    | ) | Case No.: 20SL-CC00905          |
|                                | ) | Division: 12                    |
| v.                             | ) |                                 |
|                                | ) | DEFENDANT DEMANDS TRIAL BY JURY |
| RICHARD AND CHRISTINE BARNARD, | ) |                                 |
|                                | ) |                                 |
| Defendants.                    | ) |                                 |

CERTIFICATE OF SERVICE

A copy of Defendant's Answers and Objections to Plaintiffs' Supplemental Interrogatory Directed to Defendant Christine Barnard was forwarded via U.S. Mail, postage prepaid, this 13th day of July, 2020, to: James W. Eason, The Eason Law Firm, LLC, 1924 Chouteau Ave., St. Louis, MO 63103 and Michael D. Cerulo, Erica Briscoe, BATY OTTO CORONADO, P.C., 7711 Bonhomme Ave., Suite 901, St. Louis, MO 63105.

Respectfully submitted,

CHRISTINE BARNARD

By: /s/Beth C. Boggs  
Beth C. Boggs, #43089  
BOGGS, AVELLINO, LACH & BOGGS, L.L.C.  
9326 Olive Blvd., Suite 200  
St. Louis, MO 63132  
(314) 726-2310 Telephone  
(314) 726-2360 Facsimile  
[bboggs@balblawyers.com](mailto:bboggs@balblawyers.com)  
Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Circuit Court for St. Louis County, Missouri, by using the Court's CM/ECF Electronic Filing System this 13th day of July, 2020, with an electronic copy to be served by operation of the Court's electronic filing system upon the following:

James W. Eason, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Ave.  
St. Louis, MO 63103  
(314) 932-1066 – Telephone  
(314) 667-3161 – Facsimile  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)  
Attorneys for Plaintiff

Michael D. Cerulo, #57536  
Erica Briscoe, #60683  
BATY OTTO CORONADO, P.C.  
7711 Bonhomme Ave., Suite 901  
St. Louis, MO 63105  
(314) 863-6274 – Telephone  
(314) 863-6407 – Facsimile  
[mcerulo@batyholm.com](mailto:mcerulo@batyholm.com)  
[ebriscoe@batyholm.com](mailto:ebriscoe@batyholm.com)  
Attorneys for Defendant  
Richard Barnard

A handwritten signature in blue ink, appearing to read "Michael D. Cerulo", is written over a horizontal line.

Z:\LOK\_data\108\197\COS-04.doc\BCB\ES\dk

**IN THE CIRCUIT COURT  
21st JUDICIAL CIRCUIT  
SAINT LOUIS COUNTY CIRCUIT COURT  
SAINT LOUIS, MISSOURI**

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| <b>CRAIG AND LESLIE MARTON,</b>       | ) |                       |
|                                       | ) |                       |
| Plaintiffs,                           | ) |                       |
|                                       | ) |                       |
| v.                                    | ) | Case No. 20SL-CC00905 |
|                                       | ) |                       |
| <b>RICHARD AND CHRISTINE BARNARD,</b> | ) |                       |
|                                       | ) | Division 12           |
|                                       | ) |                       |
| Defendants.                           | ) |                       |

**DISMISSAL WITHOUT PREJUDICE AGAINST CHRISTINE BARNARD**

Come Now Plaintiffs and hereby dismiss this matter without prejudice against Defendant Christine Barnard, each party bearing its own costs. All other claims remain pending against Richard Barnard.

RESPECTFULLY SUBMITTED,

THE EASON LAW FIRM, LLC

/s/ James W. Eason

\_\_\_\_\_  
JAMES W. EASON, #57112  
The Eason Law Firm, LLC  
1924 Chouteau Avenue  
St. Louis, Missouri 63103  
Phone: (314) 932-1066  
Fax: (314) 667-3161  
[james.w.eason@gmail.com](mailto:james.w.eason@gmail.com)

**CERTIFICATE OF SERVICE**

The above signature certifies that a copy of the foregoing was electronically filed with the Court's e-filing system on this 17th day of July, 2020.